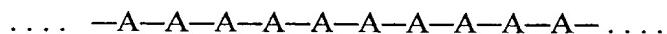


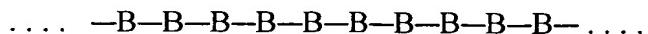
REMARKS

Independent Claims 1, 13, 25 and 31 have been amended to indicate "a mixture of" the high performance elastomer, low performance elastomer and graft copolymer. This is supported on page 9, lines 17-19. The claims have been further amended to clarify what is meant by "graft copolymer." Each amended claim recites that the graft copolymer is selected from the group consisting of a) block copolymers in which a block of the high performance elastomer is chemically attached to a backbone molecule of the low performance elastomer, b) block copolymers in which a block of the low performance elastomer is chemically attached to a backbone molecule of the high performance elastomer, and c) combinations thereof. The amendment is supported by the definition provided on page 4, lines 3-23, and on page 8, lines 10-15. The amended claims encompass some, but not all of the embodiments contained in the definition. The amended claims do not encompass high and low performance elastomers joined end-to-end (page 4, lines 21-23, page 8, line 14).

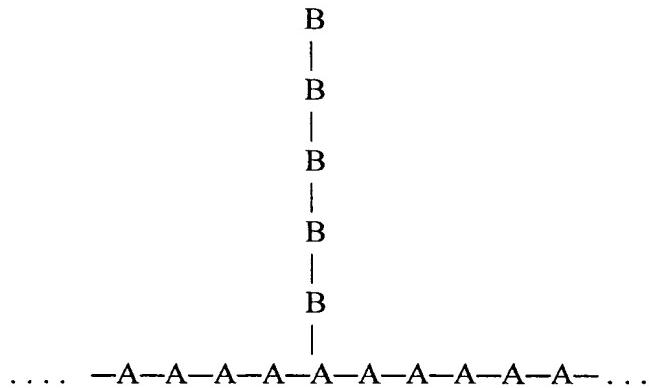
By way of example, a high performance elastomer having repeating monomer units "A" might have a molecule schematically illustrated as:



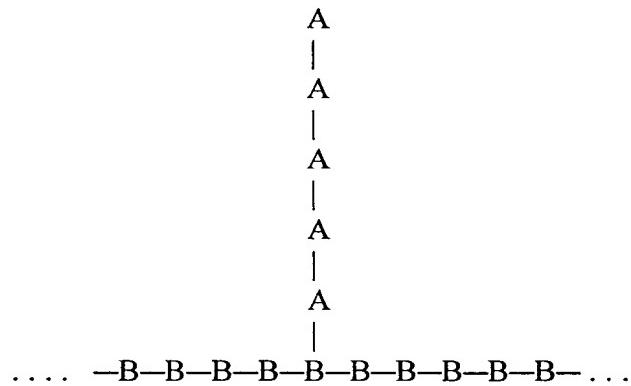
A low performance elastomer having repeating monomer units "B" might have a molecular formula schematically illustrated as:



A block copolymer in which a block of the low performance elastomer is chemically attached to a backbone molecule of the high performance elastomer can be schematically illustrated as:



A block copolymer in which a block of the high performance elastomer is chemically attached to a backbone of the low performance elastomer can be schematically illustrated as:



The important thing to remember is that the claims recite only one of the two polymers as a "backbone" polymer. That is, only one of the polymers appears in the backbone. The other polymer is attached to the backbone but does not form part of the backbone. Applicants' claims have not been amended to include the copolymer described at page 4, lines 21-23, in which the two elastomers are chemically joined end-to-end. Such a copolymer would, in effect, place both of the elastomers in the backbone.

a) Claim Rejection Based On Walton et al.

The rejection of Claims 1 and 4-35 under 35 U.S.C. § 102(b) as anticipated by, or under 35 U.S.C. § 103(a) as obvious over U.S. Patent 6,479,154 (“Walton et al.”) is respectfully traversed.

Walton et al. discloses high and low performance elastomers, but does not disclose a graft copolymer of the high and low performance elastomers as required by Applicants’ claims. The Examiner relies on the disclosure of ethylene-methyl acrylate (“EMA”) as meeting this limitation. EMA does not meet this claim limitation.

EMA is a copolymer of ethylene and methacrylic acid. As understood by persons skilled in the art, both monomers are present in the polymer backbone, and a general disclosure of EMA does not anticipate or render obvious a graft copolymer. Furthermore, the methacrylate units in EMA are generally randomly dispersed, and a general disclosure of EMA does not anticipate or render obvious a block copolymer.

Furthermore, even if EMA were a graft copolymer, it would not be a copolymer of “the high and low performance elastomers” as required by Applicants’ claims. Methacrylic acid, by itself, is not an elastomer. Polymethacrylate or polymethacrylic acid (formed by polymerizing methacrylic acid) are not disclosed in Walton et al., and there is no suggestion of whether they possess elastomeric properties.

Furthermore, even if Walton et al. did disclose polymethacrylate or polyacrylic acid as a high performance elastomer, polyethylene as a low performance elastomer, and EMA as a graft copolymer thereof, the ingredients would not be present in a mixture as required by Applicants’ claims. Walton et al. discloses that the high and low performance elastomers and EMA are present in different layers of a multilayer film (Col. 9, lines 24-31, Col. 11, lines 30-49). Specifically, the low performance elastomer is present only in a core layer of the film, and the EMA is present only in skin layers.

Finally, even if Walton et al. disclosed EMA as a graft copolymer of high and low performance elastomers, and mixed with the high and low performance elastomers, there

would be no disclosure of a mixture containing about 0.1-10% by weight of the graft copolymer. As the Examiner noted, such disclosure is completely absent from Walton et al.

In summary, Applicants' claims distinguish over Walton et al. in at least five ways. This rejection should be withdrawn.

b) Conclusion

Applicants believe that the claims are patentable over the prior art, and in condition for allowance. If the Examiner detects any unresolved issues, then Applicants' attorney respectfully requests a telephone call from the Examiner, and a telephone interview.

Respectfully submitted,



Maxwell J. Petersen
Registration No. 32,772

Pauley Petersen & Erickson
2800 West Higgins Road
Suite 365
Hoffman Estates, Illinois 60195
TEL (847) 490-1400
FAX (847) 490-1403